766.53 PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: | ) | |
| | : | Examiner: Not Yet Assigned |
| KATSUHIDE MIYAKE, ET AL. | ) | |
| | : | Group Art Unit: Not Yet Assigned |
| Application No.: Not Yet Assigned | ) | |
| | : | |
| Filed: Currently herewith | ) | |
| | : | |
| For: β1,3-GALACTOSYLTRANSFERASE AND DNA ENCODING THE SAME | ) : | July 6, 2001 |

Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Sir:

Prior to action on the merits, please amend the above-identified application as follows:

IN THE CLAIMS:

Please amend Claims 9, 14 and 15, and add new Claims 20-24 to read as follows. A marked-up copy of Claims 9, 14 and 15, showing the changes made thereto, is attached.

9. (Amended) A recombinant DNA comprising the DNA of claim 6 and a vector.

14. (Amended) A method for producing a protein having a 1,3-galactosyltransferase activity, comprising:

culturing the transformant of claim 10 in a medium to produce and accumulate a protein having a 1,3-galactosyltransferase activity in the culture, and

recovering the protein from the culture.

15. (Amended) A method for producing a galactose-containing carbohydrate, comprising:

selecting, as an enzyme source, a culture of the transformant of claim 10 or a treated product of the culture,

allowing the enzyme source, uridine-5' diphosphogalactose and an acceptor carbohydrate to be present in an aqueous medium to produce and accumulate the galactose-containing carbohydrate in the aqueous medium, and

recovering the galactose-containing carbohydrate from the aqueous medium.

20. (New) A recombinant DNA comprising the DNA of any one of claims 7 or 8 and a vector.

21. (New) A transformant obtained by introducing the recombinant DNA of claim 20 into a host cell.

22. (New) The transformant according to claim 21, wherein the host cell is a microorganism.

23. (New) The transformant according to claim 22, wherein the microorganism belongs to the genus *Escherichia*.

24. (New) The transformant according to claim 23, wherein the microorganism belonging to the genus *Escherichia* is *Escherichia coli*.

## REMARKS

Claims 9, 14 and 15 have been amended to correct their dependency, and Claims 20-24 have been added in conformity with accepted U.S. practice. No new matter has been added.

Entry hereof is earnestly solicited.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE TO CLAIMS

9. (Amended) A recombinant DNA comprising the DNA of [any one of] claim[s] 6 [to 8] and a vector.

14. (Amended) A method for producing a protein having a 1,3-galactosyltransferase activity, comprising:

culturing the transformant of [any one of] claim[s] 10 [to 13] in a medium to produce and accumulate a protein having a 1,3-galactosyltransferase activity in the culture, and

recovering the protein from the culture.

15. (Amended) A method for producing a galactose-containing carbohydrate, comprising:

selecting, as an enzyme source, a culture of the transformant of [any one of] claim[s] 10 [to 13] or a treated product of the culture,

allowing the enzyme source, uridine-5' diphosphogalactose and an acceptor carbohydrate to be present in an aqueous medium to produce and accumulate the galactose-containing carbohydrate in the aqueous medium, and

recovering the galactose-containing carbohydrate from the aqueous medium.